Application Number	O9/658,330	Re		plicant(s)/Patent under examination ARR ET AL.				
Document Code - DISQ		Internal Document – DO NOT MAIL						
TERMINAL DISCLAIMER			☐ DISAPPROVED					
Date Filed : February 13, 2006	This patent is subject to a Terminal Disclaimer							
Approved/Disapproved by:								
Henry D. Jefferson		· · · · · · · · · · · · · · · · · · ·	: : :					

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T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:			25-Apr-06	APPL. S. N:	09	0658330		
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SUBJECT	r: Decisio	n on Terminal	Disclaimer(T.D.) filed:		*			
form para or have a	agraphs i Iny quest	dentified by thi ions, please se	s informal memo in your r e me or the Special Progra	the results as set forth below next Office action to notify a nam Examiner. THIS IS AN IN D OF RECORD IN THE APPLI	pplicant of the T FORMAL, INTER	T.D. If you disagree		
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V	The T.D.	is PROPER and	i has been recorded (see 1	14.23).				
	The T.D.	is NOT PROPE	R and has not been accept	ed for the reason(s) checked	d below (see 14	1.24):		
		The TD fee of use of a depos	,	omitted nor is there any auti	norization in the	e application file for the		
		The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).						
		The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).						
		The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).						
			no signed the T.D.:					
		is no	t an attorney "of record" (see 14.29 and 14.29.01).				
		has f	ailed to state his/her capa	city to sign for the business	entity (see 14.	28).		
		is no	t recognized as an officer	of the assignee (see 14.29 8	possible 14.29	9.02).		
		No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).						
		The T.D. is no	t signed (see 14.26 & 14.2	26.03).	-	•		
		The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).						
		The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).						
		The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03).						
		Other:						
		Suggestion to and do not che		6). NOTE: If already authoriz	ed, credit refun	d to deposit account		
have ap	propriate	ly notified appl	icant(s) of the status of th	ne Terminal Disclaimer filed i	n this case.			
Ex.Initials	s:	Date	:		Lo	og Date:		

PTO/SB/26 (09-04) Approved for use through 07/31/2006. OMB 0551-0031
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SCLAIMER TO OBVIATE A DOUBLE PATENTING Docket Number (Optional) **REJECTION OVER A "PRIOR" PATENT** 2005654-2055 In re Application of: Michael A. Starr Application No.: 09/658,330 Filed: 09/08/00 For: System and Method for Diagnostic Supervision of Intern The owner, Comdial Corporation 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the Instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,553,515 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns. In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer. Check either box 1 or 2 below, if appropriate, For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. 2. The undersigned is an attorney or agent of record. Reg. No. 37,010 2-13-06 Date 02/15/200 HTECKLU1 00000055 09658330 Michael J. Colitz, III Typed or printed name 65.00 OP 813/227-8500 Telephone Number Terminal disclaimer fee under 37 CFR 1.20(d) included. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*Statement_under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).

Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

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